



## United States Copyright Royalty Judges

*In re*

**DIGITAL PERFORMANCE RIGHT IN  
SOUND RECORDING AND  
EPHEMERAL RECORDINGS**

**Docket No. 2009-1 CRB WEBCASTING III**

### **DOCUMENT CERTIFICATION FROM THE COPYRIGHT ROYALTY BOARD FILES**

I certify that, under my direction, the staff of the Copyright Royalty Board (CRB) has made a reasonable search of available files at the CRB. I certify that the document attached to this Certification is a true copy of the documents maintained in the office of the CRB. For Docket No. 2009-1 CRB Webcasting III, Digital Performance Right in Sound Recording and Ephemeral Recordings.

**SIGNED this 20<sup>5</sup> day of June 2014.**



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**Suzanne M. Barnett**  
**Chief Copyright Royalty Judge**

**DOCKET NO. 2009-1 CRB WEBCASTING III**  
**DIGITAL PERFORMANCE RIGHTS IN SOUND RECORDINGS AND EPHEMERAL RECORDINGS**

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CRB236	Transcript	4-28-10	Capitol Reporting	Volume II - 4/20/10 - Witnesses: Michael Pelcovits, Kim Roberts Hedgepeth, George Ford and Barrie Kessler; Exhibits: Live365 and SX
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CRB249	Filing	5-21-10	IBS	Restatement Rate Proposal
CRB250	Filing	5-21-10	SX	Notice of Filing Post Hearing Responses by Michael Pelcovits to Judges Questions and Post Hearing Responses by Michael Pelcovits
CRB251	Filing	6-7-10	Live365	Rebuttal Statements (Public and Restricted)
CRB252	Filing	6-7-10	IBS	Rebuttal Testimony of Frederick J. Kass
CRB253	Filing	6-7-10	SX	Motion for Application of the Protective Order to Sound Exchange Rebuttal Exhibit 2
CRB254	Filing	6-7-10	SX	Written Rebuttal Statement (Public and Restricted)

CRB255	Filing	6-8-10	Live365	Motion for Application of the Protective Order
CRB256	Filing	6-8-10	Live365	Erratum to Electronic Copy of Written Rebuttal Testimony of Michael Salinger
CRB257	Filing	6-8-10	Live365	Motion to Accept Live365, Inc.'s Motion for Application of the Protective Order
CRB258	Filing	6-9-10	Live365	Erratum to Electronic Copy of Live365's Clarification Regarding Terminology & The Operations of Live365
CRB259	Filing	6-14-10	IBS	Correction to Rebuttal Testimony of Frederick J. Kass
CRB260	Filing	6-15-10	IBS	Documents Relied on in Rebuttal Testimony of Frederick J. Kass
CRB261	Filing	6-22-10	Live365	Motion for Issuance fo Subpoenas to NonParties
CRB262	Filing	6-24-10	Live365	Discovery Schedule
CRB263	Filing	6-25-10	SX	Motion to Revise Rebuttal Trial Schedule
CRB264	Filing	6-29-10	Slacker, Inc.	Opposition to Live365, Inc's Motion for Issuance of Subpoenas to NonParties
CRB265	Filing	6-29-10	Pandora	Motion for Leave to File Opposition to the Motion of Live365, Inc. For Issuance of Subpoenas to NonParty Witnesses
CRB266	Filing	6-29-10	SX	Opposition to Live365, Inc's Motion for Issuance of Subpoenas to NonParties
CRB267	Filing	6-29-10	Pandora Media	Motion for Leave to File Opposition to the Motion of Live365, For Issuance of Subpoenas to NonParty Witnesses
CRB268	Filing	7-2-10	SX	Depositions Schedule
CRB269	Filing	7-2-10	Live365	Deposition Schedule

CRB270	Filing	7-6-10	Live365 and IBS	Opposition to SoundExchange Motion to Revise Rebuttal Trial Schedule
CRB271	Filing	7-6-10	Live365	Response in Support of Motion for Issuance of Subpoenas to NonParty Witnesses
CRB272	ORDER	7-8-10	CRB	Order Denying Motion to Revise Trial Schedule
CRB273	ORDER	7-13-10	CRB	Order Denying Live365's Motion for Issuance of Subpoenas to Non Parties Pandora and Slacker
CRB274	Filing	7-16-10	SX	Motion to Compel Live365 to Produce Documents that its Witness Reviewed and Relied on in Preparing His Rebuttal Testimony
CRB275	Filing	7-16-10	SX	Motion in Limine to Exclude Portions of Dr. Salinger's Testimony About Non-Precedential WSA Agreements
CRB276	Filing	7-22-10	SX	Witness Letter
CRB277	Filing	7-22-10	Live365	Witness Letter
CRB278	Filing	7-22-10	IBS	Witness Letter
CRB279	Filing	7-22-10	Live365	Corrected Rebuttal Testimony of Alexander "Sandy" Smallens (PUBLIC and RESTRICTED)
CRB280	Filing	7-22-10	Live365	Motion for Application of the Protective Order
CRB281	Filing	7-22-10	Live365	Opposition to SoundExchange's motion to Compel Live365 to Produce Documents that its Witness Reviewed and Relied on in Preparing His Written Rebuttal Testimony
CRB282	Filing	7-23-10	SX	Notice of Filing Second Revised Proposed Rates and Terms of SoundExchange

CRB283	Filing	7-23-10	SX	Motion for leave to File Reply brief in Support of its Motion to Compel Live365 to produce Documents that its Witness Reviewed and Relied on in Preparing His Written Rebuttal Testimony
CRB284	Filing	7-23-10	SX	Notice of Filing Second Revised Proposed Rates and Terms
CRB285	Filing	7-23-10	SX	Second Revised Proposed Rates and Terms
CRB286	Filing	7-23-10	Live365	Opposition to SoundExchange's Motion in Limine to Exclude Portions of Dr. Salinger's Testimony About Non-Precedential WSA Agreements
CRB287	Filing	7-26-10	Live365	Opposition to SoundExchange's Motion for leave to File Reply Brief in Support of Its Motion to Compel
CRB288	Filing	7-29-10	IBM	Amplification Restated Rate Proposal
CRB289	Filing	7-30-10	IBS	Motion for Reconsideration of the Rulings Excluding Its Rebuttal Case
CRB290	Filing	8-6-10	SX	Opposition to IBS Motion for Reconsideration of the Ruling Excluding Its Rebuttal Case
CRB291	Filing	8-6-10	SX	Motion for Application of Protective Order to Certain Information Contained in Live365 Rebuttal Exhibit 1 (Public and Restricted Versions)
CRB292	Filing	8-6-10	SX	Submission of Statement of Account Forms
CRB293	Transcript	8-12-10	Capitol Reporting	Volume I (July 28, 2010) Rebuttal Phase; Witness: Michael Salinger, Alexander Smallens; Live365 Exhibits
CRB294	Transcript	8-13-10	Capitol Reporting	Volume II (July 29, 2010) Rebuttal Phase; Witness: Frederick Kass; IBS Exhibits

CRB295	Transcript	8-17-10	Capitol Reporting	Volume III (August 2, 2010) Rebuttal Phase; Witness: Janusz Ordover, Kyle Funn; Sound Exchange and Live365 Exhibits
CRB296	ORDER	8-18-10	CRB	Order Denying IBS' Motion for Reconsideration of the Rulings Excluding Its Rebuttal Case
CRB297	Filing	8-30-10	Live365, Inc.	Unopposed Motion for Application of the Protective order to Certain Information Contained in SoundExchange's Trial Exhibit 28 and 30 (PUBLIC and RESTRICTED)
CRB298	Filing	9-10-10	Live365, Inc.	Proposed Findings of Fact and Conclusions of Law (Public and Restricted)
CRB299	Filing	9-10-10	Live365, Inc.	Trial Exhibits (Public and Restricted)
CRB300	Filing	9-10-10	SX	Proposed Findings of Fact and Conclusions of Law (Public and Restricted)
CRB301	Filing	9-10-10	SX	Trial Exhibits (Restricted)
CRB302	Filing	9-10-10	SX /Live365	Stipulation Re: Certain Proposed Terms
CRB303	Filing	9-10-10	College Broadcasters	Proposed Findings of Fact and Conclusions of Law
CRB304	Filing	9-10-10	IBS	Proposed Findings of Fact and Conclusions of Law and Trial Exhibits
CRB305	Filing	9-15-10	SX	Trial Exhibits (Public)
CRB306	Filing	9-15-10	Live365	Redaction Log for Findings of Fact and Conclusions of Law
CRB307	Filing	9-15-10	IBS	Unopposed Motion for Leave to File Reformatted Proposed Findings of Fact and Conclusions of Law
CRB308	Filing	9-15-10	IBS	Proposed Findings of Fact and Conclusions of Law (Reformatted)

CRB309	Filing	9-20-10	SX, Live365, IBS, CBI, "the Parties"	Joint Proposal for Closing Arguments
CRB310	Filing	9-27-10	Live365	Reply to the Proposed Findings of Fact and Conclusions of Law of SoundExchange (RESTRICTED)
CRB311	ORDER	9-28-10	CRB	Order of Presentation of Closing Arguments
CRB312	Filing	9-27-10	CBI	Notice of Appearance
CRB313	Filing	9-27-10	SX	Proposed Reply Findings of Fact and Conclusions of Law
CRB314	Filing	9-27-10	IBS	Reply Findings of Fact and Conclusions
CRB315	Filing	9-27-10	CBI	Reply Proposed Findings of Fact
CRB316	Filing	9-29-10	Live365, Inc.	Reply to Proposed Findings of Fact of SoundExchange, Inc. (PUBLIC)
CRB317	Transcript	10-15-10	Capital Reporting	Closing Arguments Rebuttal Phase (9-30-10) Sound Exchange, Live365 and Intercollegiate Broadcasting System
CRB318	ORDER	12-14-10	CRB	Initial Determination of Rates and Terms
CRB319	Filing	12-29-10	SX	Notice of Need for Typographical Correction
CRB320	ORDER	1-5-11	CRB	Final Determination of Rates and Terms
CRB321	Filing	2-22-12	CBI	Notice of Withdrawal of Attorney of Record
CRB322	Filing	4-21-12	SX	Notice of Change of Address
CRB323	Filing	10-22-12	SX	Motion Concerning the Conduct of the Proceedings on Remand
CRB324	Filing	10-22-12	CBI	Motion to Govern Remand Proceedings
CRB325	Filing	10-22-12	CBI	Notice of Appearance

CRB236	Filing	11-13-12	IBS	<b>Motion to Extend Time to Oppose SoundExchange's Motion Concerning the Conduct of Proceedings on Remand</b>
CRB237	Filing	11-13-12	IBS	<b>Notice of Appearance</b>
CRB238	Filing	11-13-12	IBS	<b>Opposition to SoundExchange's Motion Concerning the Conduct of Proceedings on Remand</b>
CRB239	Filing	11-15-12	SX	<b>Response to IBS's Opposition and Motion to Extend</b>
CRB240	ORDER	11-21-12	CRB	<b>ORDER DENYING INTERCOLLEGiate BROADCASTING SYSTEM'S MOTION TO EXTEND TIME</b>
CRB241	ORDER	7-26-13	CRB	<b>ORDER FOR FURTHER BRIEFING</b>
CRB242	Email	8-18-13	Bill Malone	<b>(Email Correspondence) Change of Service Address</b>
CRB243	Filing	8-26-13	SX	<b>Response to July 26, 2013 Order for Further Briefing</b>
CRB244	Filing	8-26-13	IPG	<b>Proposal for the Conduct of Remand and Supporting Memorandum of Law</b>
CRB245	Filing	8-26-13	CBI	<b>Response to July 26, 2013 Order for Further Briefing</b>
CRB246	Filing	9-3-13	SX	<b>Response to IBS' Proposal for the Conduct of Remand</b>
CRB247	Filing	9-3-13	IBS	<b>Response to CBI's Proposal for the Conduct of Remand</b>
CRB248	Filing	9-6-13	CBI	<b>Reply to Intercollegiate Broadcasting and SoundExchange's Responses to July 26, 2013 Order</b>
CRB249	ORDER	9-17-13	CRB	<b>NOTICE OF INTENTION TO CONDUCT PAPER PROCEEDING ON REMAND AND SOLICITATION OF COMMENTS FROM THE PARTIES</b>

CRB250	Filing	9-27-13	IBS	Comments Regarding Judges' Notice of Intention to Conduct Paper Hearings
CRB251	Filing	9-27-13	SX	Comments in Response to the Judges' Notice of Intention to Conduct Paper Proceedings on Remand and Solicitation of Comments from the Parties
CRB252	Filing	10-15-13	CBI	Comment in Response to September 17, 2013 Notice
CRB253	ORDER	10-22-13	CRB	ORDER FOLLOWING NOTICE OF INTENTION TO CONDUCT PAPER PROCEEDING
CRB254	DETERMINATION	1-9-14	CRB	DETERMINATION AFTER REMAND OF RATES AND TERMS FOR ROYALTY YEARS 2011-2015
CRB255	Filing	1-24-14	IBS	Motion for Rehearing
CRB256	ORDER	2-4-14	CRB	ORDER DENYING MOTION FOR REHEARING
CRB257	Notice	4-25-14	Federal Register (FR)	FR Notice Vol. 79. No. 80 Final Determination on Remand